

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

BRONSON HEALTH CARE GROUP, INC.
A Michigan Non-Profit Corporation,

Plaintiff,

vs.

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

Defendant.

Civil Action No.

Removed from
Kalamazoo County Circuit Court
15-0328-NF

NOTICE OF REMOVAL

STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY (“State Farm”), by its attorneys MOBLO, FLEMING & WATT, P.C., removes this action from the Kalamazoo County Circuit Court, State of Michigan, where it is now pending, to the United States District Court for the Western District of Michigan pursuant to 28 U.S.C. § 1441(b). In support of its Notice of Removal, State Farm states as follows:

1. On or about July 28, 2015, Plaintiff filed the above-captioned civil action, No. 15-0328-NF, in the Kalamazoo County Circuit Court, State of Michigan. *See* Summons and Complaint, attached as **Exhibit A**.

2. Plaintiff is a non-profit corporation organized and existing under the laws of the State of Michigan, with its principal place of business in Kalamazoo, Michigan. Therefore, Plaintiff is a citizen and resident of the State of Michigan.

3. Defendant is a corporation organized and existing under the laws of the State of Illinois with its principal place of business in Bloomington, Illinois. Therefore, Defendant is a citizen and resident of the State of Illinois.

4. In its Complaint, Plaintiff claims to be seeking \$177,654.98 for No-Fault benefits/medical expenses for George Raines arising out of a June 23, 2014 motor vehicle accident.

5. The summons and complaint were served on State Farm on or about August 11, 2015.

6. A controversy exists between Defendant and Plaintiff, and the amount of controversy in the afore-mentioned action exceeds this Court's \$75,000 jurisdictional limit, exclusive of interest and costs, making this case removable.

7. State Farm's Notice of Removal is timely because it is filed within thirty (30) days ..." after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based..." 28 U.S.C. §1446(b)(1).

8. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332 due to the amount in controversy and diversity of citizenship of the parties.

9. The within Notice of Removal will be filed with the Clerk of the Kalamazoo County Circuit Court, State of Michigan, as required by 28 U.S.C. § 1446(d), and copies of the same will be served upon Plaintiff's counsel.

Respectfully submitted,

MOBLO, FLEMING & WATT, P.C.

/s/ Prerana R. Bacon

Prerana R. Bacon (P69680)
39555 Orchard Hill Place, Suite 310
Novi, MI 48375-5523
(734) 542-8400
pbacon@moblofleming.com
Attorneys for Defendant

Dated: September 9, 2015

CERTIFICATE OF SERVICE

I, Prerana R. Bacon, hereby certify that on September 9, 2015, I electronically filed the foregoing papers with the Clerk of the Court using the ECF system. I hereby certify that I have mailed a copy of the foregoing document and all exhibits thereto to the following via United States First-Class Mail:

THOMAS S. BAKER (P55589)
MILLER JOHNSON
Attorneys for Plaintiff
250 Monroe Avenue, NW Suite 800
P. O. Box 306
Grand Rapids, MI 49501-0306

I further certify that I have filed a copy of the foregoing with the Clerk of the Kalamazoo County Circuit Court, State of Michigan.

MOBLO, FLEMING & WATT, P.C.

/s/ Prerana R. Bacon

Prerana R. Bacon (P69680)
39555 Orchard Hill Place, Suite 310
Novi, MI 48375-5523
(734) 542-8400
pbacon@moblofleming.com

Dated: September 9, 2015

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EXHIBIT "A"

Rec'd in Corporate Law

AUG 11 2015

Most Delridge Corporation (800) 530-2255
Approved, SCAOOriginal - Court
1st copy - Defendant2nd copy - Plaintiff
3rd copy - ReturnLitigation Section B-
CASE NO.STATE OF MICHIGAN
JUDICIAL DISTRICT
JUDICIAL CIRCUIT
COUNTY PROBATE

SUMMONS AND COMPLAINT

15- 0378 -NF

Court Address

Mich. Ave. Courthouse, 227 W. Michigan Ave., Kalamazoo MI 49007

Gary C. Giguere Jr.

Court telephone no.

269-384-8247

Plaintiff name(s), address(es) and telephone no(s).

Bronson Health Care Group, Inc.
301 John Street
Kalamazoo, MI 49007

V

Defendant name(s), address(es), and telephone no(s).

State Farm Mutual Automobile Insurance Company
1 State Farm Plaza
Bloomington IL 61710-0001

Plaintiff attorney, bar no., address, and telephone no.

Thomas S. Baker (P55589)
Miller Johnson
250 Monroe Avenue, N.W., Suite 800
Grand Rapids, MI 49503
(616) 831-1700

Resident Agent:

CSC-Lawyers Incorporating Service Company
601 Abbot Road
East Lansing MI 48823

SUMMONS

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan, you are notified:

1. You are being sued.
2. YOU HAVE 21 DAYS after receiving this summons to file an answer with the court and serve a copy on the other party or to take other lawful action (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued

JUL 28 2015

This summons expires

OCT 27 2015

Court clerk

*This summons is invalid unless served on or before its expiration date.

COMPLAINT

Instruction: The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.

Family Division Cases

- ☐ There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.
- ☐ An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in _____ Court.

The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.

Judge

Bar no.

General Civil Cases

- ☒ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in _____ Court.

The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.

Judge

Bar no.

VENUE

Plaintiff(s) residence (include city, township, or village)

Kalamazoo, Michigan

Defendant(s) residence (include city, township, or village)

Conducting business in Kalamazoo, MI

Place where action arose or business conducted

Kalamazoo County, Michigan

July 27 2015

Date

Signature of attorney/plaintiff Thomas S. Baker (P55589)

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you to fully participate in court proceedings, please contact the court immediately to make arrangements.

MC 01 (6/04) SUMMONS AND COMPLAINT

MCR 2.102(B)(11), MCR 2.104, MCR 2.105, MCR 2.107, MCR 2.113(C)(2)(a),(b), MCR 3.206(A)

PROOF OF SERVICE**SUMMONS AND COMPLAINT**

Case No. 15- -NF

TO PROCESS SERVER: You are to serve the summons and complaint not later than 91 days from the date of filing or the date of expiration on the order for second summons. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NON-SERVICE☐ **OFFICER CERTIFICATE**

OR

☒ **AFFIDAVIT OF PROCESS SERVER**

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party [MCR 2.104(A)(2), and that: (notarization not required)

Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notarization required)

☐ I served personally a copy of the summons and complaint,

☒ I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint,

together with

List all documents served with the Summons and Complaint

Defendant's name	Complete address(es) of service	Day, date, time
State Farm Mutual Automobile Insurance Company	1 State Farm Plaza Bloomington IL 61710-0001	
CSC-Lawyers Incorporating Service Company	601 Abbot Road East Lansing MI 48823	

☐ I have personally attempted to serve the summons and complaint, together with any attachments on the following defendant(s) and have been unable to complete service.

Defendant's name	Complete address(es) of service	Day, date, time

Service fee	Miles Traveled	Mileage fee	Total fee
\$		\$	\$

Signature Mary Miller

Title

Subscribed and sworn to before me on _____, Kent _____ County, Michigan.
Date

My commission expires: _____ Date Signature: _____
Notary public, State of Michigan, County of Kent

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the summons and complaint, together with:

Attachments

_____ on _____
Day, date, time

_____ on behalf of _____
Signature

STATE OF MICHIGAN
IN THE KALAMAZOO COUNTY CIRCUIT COURT

BRONSON HEALTH CARE GROUP INC.,
a Michigan non-profit corporation,

Plaintiff,

v

CASE NO. 15- 1378 -NF

HON. Gary C. Giguere Jr.

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

Defendant.

Thomas S. Baker (P55589)
Miller Johnson
Attorneys for Bronson Health Care Group
250 Monroe Avenue, N.W., Suite 800
P.O. Box 306
Grand Rapids, MI 49501-0306
(616) 831-1700

A civil action was filed in the Kalamazoo County Circuit Court arising out of the same transaction or occurrence, captioned, George Raines v. Matthew Madsen and Suzanne Madsen, Case No. 2015-0013-NI

COMPLAINT

Plaintiff states:

JURISDICTIONAL ALLEGATIONS

1. Plaintiff Bronson Health Care Group Inc. ("Bronson") is a Michigan non-profit hospital corporation conducting business at 301 John St., Kalamazoo, Michigan 49007. Bronson Health Care Group Inc. operates Bronson Methodist Hospital, Bronson Practice

Management Group, Inc., Bronson Lakeview Hospital, Bronson Healthcare Midwest, Bronson Home Health Care and Bronson Battle Creek Hospital.

2. Defendant, State Farm Mutual Automobile Insurance Company ("State Farm"), is an Illinois insurance company authorized to conduct business in Michigan and conducting business throughout Michigan, including Kalamazoo County. State Farm's headquarters is located at 1 State Farm Plaza, Bloomington, Illinois 61710-0001. State Farm's Resident Agent is CSC-Lawyers Incorporating Service Company, 601 Abbot Road, East Lansing, MI 48823.

3. This claim involves collection of charges for medical care and treatment provided by Bronson to George Raines in Kalamazoo County.

4. This claim is within the jurisdiction and venue of this Court.

GENERAL ALLEGATIONS

5. George Raines sustained injuries in a June 23, 2014, motor vehicle accident.

6. At the time of the motor vehicle accident, George Raines was insured under a no fault automobile insurance policy issued by State Farm. State Farm has assigned claim number 22481M367, to this motor vehicle accident.

7. On December 15, 2014, December 22, 2014, January 5, 2014, February 25, 2014, March 5, 2015, March 18, 2015, March 20, 2015, from March 24, 2015 through March 27, 2015, April 8, 2015, and from April 10, 2015 through April 13, 2015, Bronson provided George Raines with medical care and treatment for injuries arising out of the motor vehicle accident.

8. The charges for the medical care and treatment provided by Bronson to George Raines total \$177,654.98.

9. On December 26, 2014, January 5, 2015, January 20, 2015, March 9, 2015, March 16, 2015, March 20, 2015, March 26, 2015, March 27, 2015, April 7, 2015, April 17, 2015, April 20, 2015, May 1, 2015, and May 13, 2015, Bronson provided State Farm with the medical billings and medical records documenting the care and treatment provided by Bronson to George Raines.

10. The charges billed by Bronson to State Farm are Bronson's customary charges for like products, services, and accommodations.

11. Bronson's charges are commercially reasonable.

12. Bronson has made demand upon State Farm for payment of the amount due, but State Farm has refused and still refuses to pay Bronson's claim.

13. The principal amount of \$177,654.98 remains due and owing to Bronson from State Farm for Bronson's treatment of George Raines.

COUNT I – NO-FAULT MEDICAL BENEFITS

14. Bronson incorporates the preceding allegations by reference.

15. Under MCL 500.3101 *et. seq.*, and the applicable insurance contract, State Farm is liable for payment of personal protection insurance benefits to or for George Raines, including the above referenced medical charges incurred by Bronson.

16. Under MCL 500.3142, Bronson provided State Farm with reasonable proof of the fact and amount of loss by tender of medical records and medical bills substantiating the above referenced treatment.

17. Bronson is entitled to payment.

18. For the identified service date, the principal balance amount of \$177,654.98 remains due and owing to Bronson from State Farm.


19. State Farm failed to pay Bronson's medical charges within 30 days as required by MCL 500.3142, therefore Bronson is entitled to payment of 12% no-fault penalty interest on the unpaid charges until these charges are paid in full.

20. State Farm unreasonably denied Bronson's claim, therefore, under MCL 500.3148, Bronson is entitled to reasonable attorney fees incurred in pursuing payment of this claim.

WHEREFORE, Bronson Health Care Group Inc., requests Judgment in its favor and against State Farm Mutual Automobile Insurance Company in the principal amount of \$177,654.98, plus pre-filing interest at the rate of 5% to the date this Complaint is filed, statutory interest, costs, no-fault penalty interest under MCL 500.3142, attorney fees under MCL 500.3148, and any other appropriate relief.

MILLER JOHNSON
Attorneys for Plaintiff, Bronson Health Care Group Inc.

Dated: July 27, 2015

By 
Thomas S. Baker (P55589)
Business Address:
250 Monroe Avenue, N.W., Suite 800
P.O. Box 306
Grand Rapids, Michigan 49501-0306
Telephone: (616) 831-1700

MILLER 
JOHNSON
Attorneys and Counselors

Calder Plaza Building
250 Monroe Avenue NW, Suite 800
P.O. Box 306
Grand Rapids, MI 49501-0306



7013 2630 0001 7691 6244

State Farm Mutual Auto.
Insurance Co.
One State Farm Plaza
Bloomington, IL 61710





22000069912ST00

CORPORATE HDQ B-3

COOK, JASON
Alias : JOWG
Dept# : 10080383330
Dept : CORPORATE LAW
Phone : 3097350796

Pallet #: 22CORP081215081215

Carrier #: USPS
Tracking #: 70132630000178916244
Reference #:

---ALERT INFORMATION---

Alert #:
Instructions:

---ADDITIONAL INFORMATION---

8/12/2015 6:57:53 AM